

### REMARKS

Prior to consideration of the present Request for Continued Examination, please amend the application as set forth in the present amendment.

#### *Election/Restrictions*

Pages 1 and 2 of Paper 15 recite the identical restriction requirement originally set forth in Pages 1 and 2 of Paper 6 mailed December 4, 2001. In view of the response to Paper 6 including the cancellation of claims, and the prosecution of the application since the election/restriction requirement, applicant respectfully submits the election/restriction requirement has been met. If, however, the examiner believes further issues remain he is cordially invited to contact the undersigned so that such matters can be promptly resolved.

#### *Information Disclosure Statement*

An Information Disclosure Statement is filed with the present Request for Continued Examination and sets forth a concise explanation of the relevance as presently understood by the individual designated in 37 CFR §1.56(c) most knowledgeable about the content of the information, of each patent that is listed not in the English Language. Specifically, a concise explanation has been provided for German references DE 199 08 902 and 197 44 240 and French reference FR 2 356,961.

#### Rejections Under 35 U.S.C. §102

##### *Atkinson*

##### *Claims 1-9, 13-15, 17, 20-23, 42-63 and 65-74*

Claims 1-9, 13-15, 17, 20-23, 42-63 and 65-74 stand rejected under 35 U.S.C. §102(e) as being clearly anticipated by Atkinson, et al. The patent Atkinson (US Patent No. 6,471,381) issued October 29, 2002 from US Serial No. 09/802,073 filed March 8, 2001.

An affidavit under 37 CFR §1.131 (Rule 131) is submitted herewith to overcome the effective date of the Atkinson patent. Applicant respectfully submits the accompanying Affidavit under Rule 131 demonstrates applicant's conception of the present invention prior to March 8, 2001 coupled with due diligence to the April 18, 2001 filing date of the present application. Therefore, applicant respectfully submits the Atkinson reference is no longer available as prior art. Thus, applicant believes the outstanding rejection under 35 U.S.C. §102(e) of Claims 1-9, 13-15, 17, 20-23, 42-63 and 65-74 in view of Atkinson has been overcome.

##### *Claims 1-3, 6-9, 13-15, 17, 42-44, 47-50, 55-57, 60-63, 65-67 and 70-74*

Claims 1-3, 6-9, 13-15, 17, 42-44, 47-50, 55-57, 60-63, 65-67 and 70-74 stand rejected under 35 U.S.C. §102(b) as being anticipated by German Patent Publication No. 198 41 180 (DE '180). The examiner relies upon DE '180 to disclose a vehicular

weatherseal comprising an elongated polymeric body including a monolithic sealing portion (not numbered, but comprising the end portion of the body 4), a sealing channel 8 extending along a longitudinal dimension of the polymeric body and a light generating line 9 connected to the body and extending along a longitudinal dimension of the body for generating and emitting light.” [Paper 15, Pages 3-4] The examiner further relies upon DE ‘180 to disclose a vehicular weatherseal assembly 1’ comprising a weatherseal body having a longitudinal dimension, and a hollow bulb shaped sealing portion 20 and a fiber optic 9 connected to the body for emitting light along a portion of the longitudinal dimension. [Paper 15, Page 4]

ZEICHNUNGEN SEITE 1

Nummer:  
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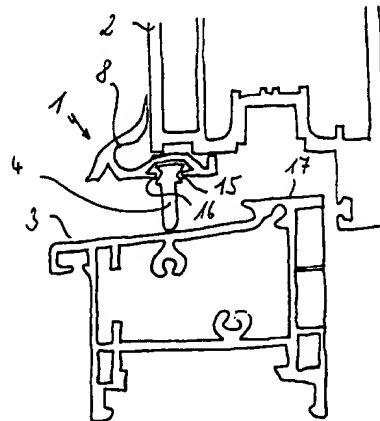


Fig. 1

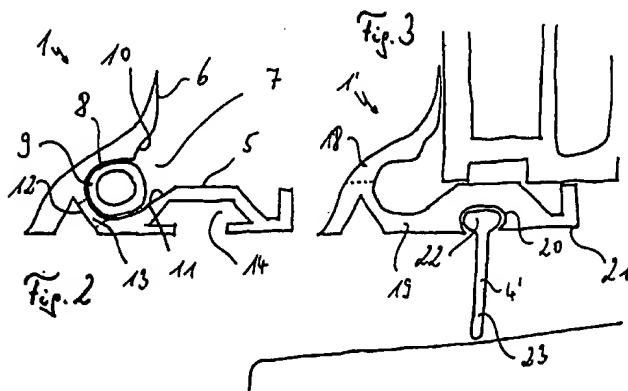


Fig. 2

Fig. 3

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*Claims 1-3 and 6-9*

Independent Claim 1 has been amended to recite in part “the polymeric body including a sealing portion, *the sealing portion and the polymeric body being monolithic.*” [emphasis added]

Applicant respectfully submits this amendment addresses the observation by the examiner that the prior recitation of “monolithic” could require only that the sealing portion be monolithic, rather the sealing portion and the polymeric body being monolithic. The separate and independent finger seal 4 of DE ‘180 is not monolithic with the body. In fact, it is believed DE ‘180 discloses the finger 4 being separate to accommodate the express purpose of independently affixing the base profile 1 to the building door, such that an appropriately sized seal (4) can be subsequently inserted into the base profile after the base profile has been installed. As DE ‘180 discloses a separate seal 4 (4' in Figure 3) applicant respectfully submits the present recited monolithic structure cannot be anticipated by DE ‘180.

Therefore, Claim 1 is in condition for allowance. As Claims 2, 3 and 6-9 depend from Claim 1 and include all limitations thereof, these claims are also believed to be in condition for allowance.

*Claims 13-15 and 17*

Independent Claim 13 stands rejected in view of the “hollow shaped bulb sealing portion 20” in DE ‘180.

As amended, independent Claim 13 recites in part “a hollow bulb shaped sealing portion *projecting from the weatherseal body and sized to contact the first confronting surface in the closed position.*” [emphasis added]

DE ‘180 only discloses a finger type seal. It is believed the elongate finger 4 of the ‘180 reference is expressly set forth to be sized and to pivot about its upper end, thereby reducing wear during use. In contrast, the recited “projecting hollow bulb shaped sealing portion” would locate a significantly greater amount of material in very area that the DE ‘180 seeks to reduce material so as to reduce wearing. That is, the seal 4 of the ‘180 reference must perform the sealing function in the door closed position (Figure 1), but must also travel across highest portion of the door sill each time the door is opened or closed. As the construed hollow bulb shaped sealing portion 20 in DE ‘180 is a concave member and does not project from the weatherseal body, it does not contact the sill 3, nor is able to contact the sill, applicant respectfully submits Claim 13 is in condition for allowance in view of DE ‘180.

As Claims 14, 15 and 17 depend from Claim 13 and include all limitations thereof, these claims are also in condition for allowance.

*Claims 42-44 and 47-50*

Independent Claim 42 has been amended to recite in part a hollow bulb shaped sealing portion *projecting from the polymeric body* and ... *adapted to contact the second confronting surface in the adjacent closed position of the confronting surfaces.*" [emphasis added]

Referring to Figure 3 of DE '180, applicant respectfully submits the asserted hollow bulb shaped sealing portion 20 does not project from the body of the weatherseal. Further, the portion 20 in DE '180 does not contact the sill 3. Therefore, applicant respectfully submits Claim 42 is in condition for allowance. As Claims 43-44 and 47-50 depend from Claim 42 and include all limitations thereof, these claims are also in condition for allowance.

*Claims 55-57 and 60-63*

Independent Claim 55 has been amended to recite in part "a polymeric body including a sealing portion, the polymeric body and the sealing portion being monolithic."

In view of the believed express purpose of DE '180 and the replaceable seal 4, applicant respectfully submits Claim 55 can not be anticipated by DE '180. As Claims 56, 57 and 60-63 depend from Claim 55 and include all limitations thereof, these claims are also in condition for allowance.

*Claims 65-67 and 70-74*

Independent Claim 65 recites in part "a hollow bulb shaped sealing portion *extending from the polymeric body* and ... *adapted to contact the second confronting surface in the adjacent closed position of the confronting surfaces.*" [emphasis added]

As the asserted hollow bulb shaped sealing portion 20 in DE '180 is a concave recess and does not extend from the polymeric body, nor contact the confronting surface 3, nor is a bulb, applicant respectfully submits Claim 65 is in condition for allowance in view of DE '180. As Claims 66, 67 and 70-74 depend from Claim 65 and include all limitations thereof, these claims are also in condition for allowance.

Rejections Under 35 U.S.C. §103

*Claims 64, 75 and 76*

Claims 64, 75 and 76 stand rejected under 35 U.S.C. §103 as being unpatentable over DE '180 as previously applied. Examiner Strimbu asserts one of ordinary skill in the art would have been expected to routinely experiment with parameters to ascertain optimal or workable ranges and would have determined the light generating line extending along less than the entire length of the polymeric body. [Paper 15, Page 4]

As Claims 64, 75 and 76 are dependent claims and include all limitations of the claims from which they depend, and these independent claims have been clearly distinguished from the cited reference, applicant respectfully submits even if the expected routine experimentation and optimization were performed, the omitted limitations in the independent claims would not be met. Further, applicant notes the DE '180 patent does not appear to provide any basis for an optimization for having the light generating line extending less than the entire length of the polymeric body. Therefore, applicant respectfully submits these rejections under 35 U.S.C. §103 have been overcome.

*Claims 64, 75 and 76*

Claims 64, 75 and 76 stand rejected under 35 U.S.C. §103 as being unpatentable over Atkinson.

As the Atkinson reference has been overcome by the accompanying Rule 131 Affidavit, applicant respectfully submits this rejection has been overcome.

*Claim 16*

Claim 16 stands rejected as it would have obvious to provide the seal of German '180 patent with two fiber optic light lines.

As Claim 16 depends from Claim 13, which in turn recites in part “a hollow bulb shaped sealing portion projecting from the weatherseal body and sized to contact the first confronting surface in the closed position” and that such structure is neither disclosed nor suggested by the DE '180, applicant respectfully submits Claim 16 is in condition for allowance.


*Claim 16*

Claim 16 is also rejected under 35 U.S.C. §103 as being unpatentable over Atkinson. As Atkinson has been removed as an effective reference, applicant respectfully requests this rejection be withdrawn.

Therefore, applicant submits all the pending Claims, Claims 1-9, 13-17, 20-23, 40 and 42-76 are in condition for allowance and such action is earnestly solicited. If, however, Examiner Strimbu believes that any further issues remain he is cordially invited to contact the undersigned so that such matters may be promptly resolved.

Respectfully Submitted,

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